



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,074	11/16/1999	SEISHI SUEHIRA	1075.1122/JD	3826

21171 7590 04/09/2003

STAAS & HALSEY LLP
700 11TH STREET, NW
SUITE 500
WASHINGTON, DC 20001

EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 04/09/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary	Application No. 09/441,074	Applicant(s) SUEHIRA, SEISHI	
	Examiner Sathyanarayan Pannala	Art Unit 2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on January 24, 2003.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some * c) ☐ None of:
 - 1. ☒ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 - * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US Patent 6014680) and in view of Wanderski et al. (US Patent 6,519,617).

3. As per independent claims 1, 7, 13-14, Sato rendered by the following:

"Preparing at least one document instance..." at Fig. 1-4, col. 8, lines 10-15 and lines 24-64;

"Validating one of said entity declarations..." at Fig. 1, 7-9, col. 9, lines 19-65;

"Creating said structured document ..." at Fig. 5, 16 & 17, col. 8, lines 24-64 and col. 14, lines 1-46.

The other limitations of claim 14 are:

"A memory storing the structured document" at Fig. 18, col. 7, lines 15-22;

Sato does not teach specifically creating a structured document using XML.

However, Wanderski teaches the following limitation:

“A display displaying the structured document, wherein the structured document is an XML document” at Fig. 3, col. 9, lines 43-63 and col. 14, lines 43-47.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to incorporate XML as an alternate language to create structured document. Sato and Wanderski are combined as they teach creating structured documents using Data Type Definition and to relate XML in addition to SGML. In addition to creating structured document using Data Type Definition in standard generalized markup language (SGML) an alternate structured language extended markup language (XML) is used.

4. As per dependent claim 2, Sato teaches “A structured document creation ...” at Fig. 1 & 7, col. 9, lines 19-24.
5. As per dependent claims 3, 4 and 10, Sato teaches “logical structure form layout and table form layout” at Fig. 1, 4, 19 & 38, col. 11, lines 44-55 and col. 15, lines 3-41.
6. As per dependent claims 5-8, Sato teaches “structured document is a SGML document” at Fig. 1, col. 8, lines 10-15.
7. As per independent claim 9, Sato rendered by the following:
 - “The structured document being recorded...” at Fig. 38, col. 15, lines 3-41;
 - “The data file at least having a region...” at Fig. 38, col. 15, lines 3-41;
 - “A plurality of element declarations...” at Fig. 38, col. 15, lines 3-41;
 - “For each of the plurality of entity declarations...” at Fig. 38, col. 15, lines 3-41.
8. Finally, Sato rendered dependent claims 11-12, “A computer-readable recording ...” at Fig. 19, col. 6, line 67 to col. 7, line 35 and col. 23, lines 60-62.

Response to Arguments

9. Applicant's arguments filed 1/24/2003 have been fully considered but they are not persuasive.

First, applicant states that amended claims 1, 9 and 13 recite that, the structured document has a document instance and a document type definition and the document type definition includes ...

In **response** to the applicant's argument, the same prior art by Sato teaches amended claims as an example see Fig. 1, col. 7, line 38 to col. 8, line 15.

The second prior art of Wanderski et al., teaches the added claim 14 limitations using specifically XML structured document language, see at Fig. 3, col. 9, lines 43-63 and col. 14, lines 43-47.

Conclusion


10. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

11. If a reference indicated, as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sathyanarayan Pannala
Examiner
Art Unit 2177

srp
April 1, 2003


GRETA ROBINSON
PRIMARY EXAMINER